

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Estate of Connor Golembiewski,	:	
deceased, by Michael Golembiewski	:	No.: 3:20-CV-01121
as Administrator ad Prosequendum	:	(Honorable Christopher C. Conner)
of the Estate, Michael Golembiewski	:	
and Veronika Golembiewski,	:	
individually,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	JURY TRIAL DEMANDED
Tuthill Corporation (d/b/a Blue	:	
Mountain Resort), John Does 1-10,	:	
ABC Companies 1-10, John Does	:	
11-20, ABC Companies 11-20, John	:	
Does 21-50, ABC Companies 21-50,	:	
and Manny Moes 1-10,	:	
	:	
Defendants.	:	

ORDER

And now, on this day of , 2020, upon the Petition
to Approve the Wrongful Death Settlement, and with the concurrence of all
counsel, the Court hereby **APPROVES** the settlement distribution.

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	:	JURY TRIAL DEMANDED
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Mountain Resort), John Does 1-10,	:	
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11-20, ABC Companies 11-20, John	:	
Does 21-50, ABC Companies 21-50,	:	
and Manny Moes 1-10,	:	
	:	
Defendants.	:	

**PETITION FOR THE APPROVAL OF SETTLEMENT OF WRONGFUL
DEATH AND SURVIVAL ACTIONS**

Michael Golembiewski, individually and as Administrator ad Prosequendum of the Estate of Connor Golembiewski, and Veronika Golembiewski, individually, respectfully submit the following Petition to Approve the Wrongful Death Settlement and in support thereof state:

1. On January 1, 2019, Connor Golembiewski was skiing at Blue Mountain Resort which is owned and operated by The Tuthill Corporation.
2. While riding the chair lift, Connor Golembiewski fell from the lift

chair to the ground, a height of approximately twenty to twenty-five feet.

3. Connor Golembiewski was under eighteen (18) at the time.

4. Connor Golembiewski was a New Jersey resident.

5. Michael and Veronkia Golembiewski are New Jersey residents.

6. Plaintiffs began their lawsuit in the District of New Jersey on September 20, 2019.

7. The case was transferred to the Middle District of Pennsylvania on June 30, 2020 after the Tuthill Corporation filed a motion to dismiss.

8. It was discovered that Connor Golembiewski and his companion rode the chair lift with the safety bar lifted up. While on the chair lift a third time, Connor Golembiewski, by all witness accounts slumped to his side, and then slipped off the chairlift. Defendants' employees came to Connor Golembiewski's aid and transported him down the mountain to waiting medical transport. Despite these efforts, Connor Golembiewski died on January 1, 2019.

9. The parties came to a settlement in August 2020 wherein it was agreed that the case would be settled for the total sum of \$20,000.00.

10. Plaintiffs signed a release which was received on September 1, 2020.

11. Michael Golembiewski and Veronkia Golembiewski, in consultation with their counsel, agree that the settlement is in the best interests of the estate.

12. Michael Golembiewski and Veronkia Golembiewski are the sole heirs

of Connor Golembiewski as his parents.

13. There are no debts owed by the Estate of Connor Golembiewski.

14. There are no medical liens owed by the Estate of Connor Golembiewski.

15. The settlement funds will be distributed under the Pennsylvania Wrongful Death Act, 42 Pa. C.S. § 8301 et seq., as follows:

Wrongful Death Damages - \$20,000.00

Survival - \$0

16. Counsel's fee is \$4,629.42 and costs are \$6,111.73.

17. Michael Golembiewski, as Administrator ad Prosequendum of the Estate of Connor Golembiewski, requests that the Court allow him to pay from the Estate's funds any taxes owed by the Estate under New Jersey law.

18. Michael Golembiewski, as Administrator ad Prosequendum of the Estate of Connor Golembiewski, requests that the Court allow him to pay from the Estate's funds any funds paid for the funeral and/or the costs of raising the estate.

19. As Plaintiffs are citizens of New Jersey, the Pennsylvania Department of Revenue does not need to review this settlement under Pennsylvania law to approve the distribution of the settlement.

20. Defendant concurs in the filing of this petition.

WHEREFORE, Plaintiffs respectfully request this Honorable Court enter

an order in the form attached, approving the settlement for this matter.

Respectfully submitted,

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